

By: Wray

H.B. No. 982

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a handgun by a first responder engaged in the actual discharge of the first responder's duties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 180, Local Government Code, is amended by adding Section 180.008 to read as follows:

Sec. 180.008. CARRYING OF HANDGUN BY CERTAIN FIRST RESPONDERS. (a) In this section, "first responder" has the meaning assigned by Section 46.035(f), Penal Code.

(b) A political subdivision that employs or supervises a first responder may not prohibit a first responder who holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, from carrying a handgun in the actual discharge of the first responder's duties.

SECTION 2. Section 30.06(c)(2), Penal Code, is amended to read as follows:

(2) "First responder" and "license [~~License~~] holder" have [~~has~~] the meanings [~~meaning~~] assigned by Section 46.035(f).

SECTION 3. Section 30.06, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is an exception to the application of this section that the license holder was a first responder engaged in the actual discharge of the first responder's duties.

SECTION 4. Section 30.07(c)(2), Penal Code, is amended to

1 read as follows:

2 (2) "First responder" and "license ["License] holder"
3 have [has] the meanings [meaning] assigned by Section 46.035(f).

4 SECTION 5. Section 30.07, Penal Code, is amended by adding
5 Subsection (g) to read as follows:

6 (g) It is an exception to the application of this section
7 that the license holder was a first responder engaged in the actual
8 discharge of the first responder's duties.

9 SECTION 6. Section 46.035(f), Penal Code, is amended by
10 adding Subdivision (4) to read as follows:

11 (4) "First responder" means a public safety employee
12 or volunteer whose duties include responding rapidly to an
13 emergency. The term includes fire protection personnel, including
14 volunteer firefighters, and emergency medical services personnel,
15 including emergency medical services volunteers. The term does not
16 include commissioned law enforcement personnel.

17 SECTION 7. Section 46.035(h-1), Penal Code, as added by
18 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
19 Session, 2007, is amended to read as follows:

20 (h-1) It is a defense to prosecution under Subsections
21 (b)(1), (2), (4), (5), and (6) [~~(4)-(6)~~] and (c) that at the time
22 of the commission of the offense, the actor was:

23 (1) a judge or justice of a federal court;

24 (2) an active judicial officer, as defined by Section
25 411.201, Government Code; [~~or~~]

26 (3) a district attorney, assistant district attorney,
27 criminal district attorney, assistant criminal district attorney,

1 county attorney, or assistant county attorney; or

2 (4) a first responder who:

3 (A) was carrying a handgun and held a license to
4 carry a handgun under Subchapter H, Chapter 411, Government Code;
5 and

6 (B) was engaged in the actual discharge of the
7 first responder's duties while carrying the handgun.

8 SECTION 8. Section 46.15(a), Penal Code, is amended to read
9 as follows:

10 (a) Sections 46.02 and 46.03 do not apply to:

11 (1) peace officers or special investigators under
12 Article 2.122, Code of Criminal Procedure, and neither section
13 prohibits a peace officer or special investigator from carrying a
14 weapon in this state, including in an establishment in this state
15 serving the public, regardless of whether the peace officer or
16 special investigator is engaged in the actual discharge of the
17 officer's or investigator's duties while carrying the weapon;

18 (2) parole officers and neither section prohibits an
19 officer from carrying a weapon in this state if the officer is:

20 (A) engaged in the actual discharge of the
21 officer's duties while carrying the weapon; and

22 (B) in compliance with policies and procedures
23 adopted by the Texas Department of Criminal Justice regarding the
24 possession of a weapon by an officer while on duty;

25 (3) community supervision and corrections department
26 officers appointed or employed under Section 76.004, Government
27 Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

2 (A) engaged in the actual discharge of the
3 officer's duties while carrying the weapon; and

4 (B) authorized to carry a weapon under Section
5 [76.0051](#), Government Code;

6 (4) an active judicial officer as defined by Section
7 [411.201](#), Government Code, who is licensed to carry a handgun under
8 Subchapter H, Chapter [411](#), Government Code;

9 (5) an honorably retired peace officer, qualified
10 retired law enforcement officer, federal criminal investigator, or
11 former reserve law enforcement officer who holds a certificate of
12 proficiency issued under Section [1701.357](#), Occupations Code, and is
13 carrying a photo identification that is issued by a federal, state,
14 or local law enforcement agency, as applicable, and that verifies
15 that the officer is:

16 (A) an honorably retired peace officer;

17 (B) a qualified retired law enforcement officer;

18 (C) a federal criminal investigator; or

19 (D) a former reserve law enforcement officer who
20 has served in that capacity not less than a total of 15 years with
21 one or more state or local law enforcement agencies;

22 (6) a district attorney, criminal district attorney,
23 county attorney, or municipal attorney who is licensed to carry a
24 handgun under Subchapter H, Chapter [411](#), Government Code;

25 (7) an assistant district attorney, assistant
26 criminal district attorney, or assistant county attorney who is
27 licensed to carry a handgun under Subchapter H, Chapter [411](#),

1 Government Code;

2 (8) a bailiff designated by an active judicial officer
3 as defined by Section 411.201, Government Code, who is:

4 (A) licensed to carry a handgun under Subchapter
5 H, Chapter 411, Government Code; and

6 (B) engaged in escorting the judicial officer;
7 ~~[or]~~

8 (9) a juvenile probation officer who is authorized to
9 carry a firearm under Section 142.006, Human Resources Code; or

10 (10) a first responder, as defined by Section
11 46.035(f), who:

12 (A) is carrying a handgun and holds a license to
13 carry a handgun under Subchapter H, Chapter 411, Government Code;
14 and

15 (B) is engaged in the actual discharge of the
16 first responder's duties while carrying the handgun.

17 SECTION 9. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

25 SECTION 10. This Act takes effect September 1, 2017.